

August 28, 2019

VIA ECF

Honorable James Orenstein
United States District Court
Eastern District of New York
225 Cadman Plaza
Brooklyn, New York 11201

Re: Abbey Photography, Inc. v. Advance Publications, Inc., 19-cv-02214 (RRM-JO)

Dear Judge Orenstein:

We represent plaintiff Abbey Photographers, Inc. (“Plaintiff”) in the above-referenced case. We write in response to the Court’s order, dated August 28, 2019, which asks Plaintiff to explain facts about the authorship and registration of the photograph at issue in this litigation (the “Photograph”) and its relation to those facts asserted in *Neal Clipper v. Wetpaint.com, Inc.*, 17-CV-9217 (NRB), DE 1, ¶¶ 7-9 & Ex. A (S.D.N.Y. Nov. 23, 2017) (the “*Clipper Action*”)

Point I: In the Present Action, the Applicable Registration No. is VA 2-027-519

As explained at today’s hearing, the initial complaint in this action [Dkt. #1] contained a typographic error concerning the registration number. The applicable registration bears no. VA 2-027-519 (the “519 Registration”). Plaintiff’s counsel provided a copy of the correct registration, as maintained on the Copyright Office’s website, to Defense counsel and has attached it hereto as Exhibit A. Plaintiff is the copyright claimant listed on the face of the 519 Registration and the Photograph is on deposit with the 519 Registration.

Point II: In the *Clipper v. Wetpaint* Action, the Applicable Registration No. is VA 2-007-067

In the *Clipper Action*, the registration at issue bears No. VA 2-006-067 (“the 067 Registration”). A true and correct copy is attached hereto as Exhibit B. The same Photograph at issue in the present action is on deposit with the 067 Registration. Neil Clipper is the human being who created the Photograph and he is also the President/CEO of Abbey Photographers, Inc. The Court may note by comparing the two registration certificates that the address is identical for both Mr. Clipper and his corporation.

Respectfully Submitted,

/richardliebowitz/
Richard Liebowitz